

### **REMARKS/ARGUMENTS**

Applicant thanks the Examiner for his careful review of this application. Claims 5, 6, and 12-14 have been allowed. Claims 1, 2, 4, 7-9, 11, 15-18, 20, and 21 have been rejected. Applicant respectfully requests reconsideration of the application in view of the following remarks submitted in support thereof. A Notice of Appeal is being filed along with this response, as the Applicant believes that the claims are in condition for appeal.

#### **Anticipation Rejections under 35 U.S.C. §102**

The Examiner has rejected claims 1, 9, and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,525,839 to Nozawa et al. The Examiner additionally rejected claims 1, 2, 7-9, 11, 15, 17, 18, and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,160,778 to Ito et al. For the reasons put forth below, Applicant respectfully asserts that Ito et al. and Nozawa et al. fail to identically disclose each and every feature specified in independent claims 1, 9, and 17.

In response to the Applicant's amendment mailed on December 4, 2003, the Examiner noted that Ito et al. teach a bitmap that tracks which sectors of an optical disc have been verified, as defined in independent claims 1, 9, and 17. Applicant respectfully traverses the Examiner's characterization of Ito et al. relative to independent claims 1, 9, and 17 because the portions of the reference relied upon by the Examiner (col. 19, lines 41-44 and 46-48) do not teach the bitmap that tracks which sectors of the optical disc have been verified.

In particular, the Examiner "interprets the file management creation section as a bitmap area and the used areas, which are not defective, as verified sectors." The Examiner then noted that "Ito teaches the tracking of verified sectors in a bitmap area because the

verified sectors are marked with a '1'" (see Final Office Action mailed January 28, 2004 at page 4). If the Examiner's interpretations are true, then one must logically conclude that the file management creation section marks non-verified sectors with a '0' because, according to the Examiner, the file management creation section tracks which sectors are verified.

However, as discussed previously in Applicant's amendment mailed on December 4, 2003, Ito et al. teach the file management information creation section that sets a "0" ("free") for skipped areas and a "1" ("used") for data "recorded in areas other than the skipped areas" (col. 19, lines 40-41, 44, and 46-48). To determine whether an area is to be skipped, a defective area detection section 731 initially detects whether a block is defective, and "[e]ach time a defective block is detected, ... the location of the defective block is stored in the recording location storing memory 733" (col. 18, lines 41-47). Thus, Ito et al. teach that all blocks are checked (*i.e.*, termed "verified" by the Examiner) initially for defects to determine whether the blocks are to be skipped. If a defect is detected, the defective block is assigned a "0" for skipped areas. Otherwise, non-defective blocks are assigned a "1" for data recorded in areas other than skipped areas. As a result, Ito et al. teach that both skipped "0" blocks and used "1" blocks are initially verified (*i.e.*, checked for defects).

However, the fact that all blocks are initially verified is in direct conflict with the Examiner's deduced interpretation that the file management creation section marks non-verified sectors or blocks with a "0." On the contrary, Ito et al. teach that a block assigned a "0" is also initially verified. Thus, the Examiner's conclusion that verified blocks are marked with a "1" is only partially correct as, in accordance to Ito et al., verified blocks are also marked with a "0." Since the file management creation section assigns the verified blocks with either a "0" or "1," the file management creation section does not actually track which blocks are verified because the file management creation section does not differentiate

between verified and non-verified blocks. Thus, Ito et al. only disclose the file management creation section tracking skipped areas and Ito et al. cannot reasonably be considered to teach the bitmap that tracks which sectors of the optical disc have been verified, as defined in independent claims 1, 9, and 17.

Furthermore, independent claims 1, 9, and 17 define writing user data from a source to sectors of the optical disc. The sectors are then verified by comparing the written user data to user data resident on the source to determine whether any one of the sectors are defective.

In support of the 35 U.S.C. §102(e) rejections, the Examiner noted that Ito et al. disclose writing user data from a source to sectors of the optical disc and, subsequently, the sectors are verified by comparing the written user data to user data resident on the source to determine whether any one of the sectors are defective. Applicant respectfully traverses the Examiner's characterization of Ito et al. relative to independent claims 1, 9, and 17 because the portions of the reference relied upon by the Examiner (col. 18, lines 24-62 and col. 19, lines 41-44 and 46-48) do not teach writing user data from a source to sectors of the optical disc and, subsequently, the sectors are verified by comparing the written user data to user data resident on the source to determine whether any one of the sectors are defective. In particular, Ito et al. merely disclose a defective area detection section 731 that detects defective blocks (col. 18, lines 42-44). However, Ito et al. do not disclose anywhere in the specification in detail how the defective blocks are detected.

Similarly, the Examiner also noted that Nozawa et al. disclose writing user data from a source to sectors of the optical disc and, subsequently, the sectors are verified by comparing the written user data to user data resident on the source to determine whether any one of the sectors are defective. Again, Applicant respectfully traverses the Examiner's characterization of Nozawa et al. relative to independent claims 1, 9, and 17 because the portion of the

reference relied upon by the Examiner (col. 5, lines 10-22) does not teach writing user data from a source to sectors of the optical disc and, subsequently, the sectors are verified by comparing the written user data to user data resident on the source to determine whether any one of the sectors are defective. In particular, Nozawa et al. merely disclose control methods after the detection of a read or write error by “an error checking read operation “ (col. 1, lines 25-27 and col. 5, lines 22-40). However, Nozawa et al. do not disclose anywhere in the specification in detail how the error checking read operation checks for read and write errors. As Ito et al. and Nozawa et al. do not disclose any particular methods to detect errors, Ito et al. and Nozawa et al. cannot reasonably be considered to teach writing user data from a source to sectors of the optical disc and, subsequently, the sectors are verified by comparing the written user data to user data resident on the source to determine whether any one of the sectors are defective, as defined in independent claims 1, 9, and 17.

As Nozawa et al. and Ito et al. fail to teach each and every element of the claimed invention, the Applicant respectfully submits that independent claims 1, 9, and 17 are patentable under 35 U.S.C. §102(b) and §102(e) over Nozawa et al. and Ito et al. Further, dependent claims 2, 7, 8, 11, 15, 18, and 20, each of which directly or indirectly depends from independent claims 1, 9, and 17 are submitted to be patentable under 35 U.S.C. §102(b) and §102(e) over Nozawa et al. and Ito et al. for the reasons set forth above. As a result, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §102 rejections.

#### **Obviousness Rejections under 35 U.S.C. §103(a)**

Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejections of dependent claims 4, 16, and 21 as being unpatentable over Ito et al. in view of U.S. Patent No. 5,337,197 to Brown et al. As discussed above, Ito et al. do not disclose each and every

feature of amended independent claims 1, 9, and 17. As such, Ito et al. do not raise a *prima facie* case of obviousness against any of dependent claims 4, 16, and 21. Accordingly, the obviousness rejections of claims 4, 16, and 21 are improper and should be withdrawn.

### **Conclusion**

In view of the foregoing, the Applicant respectfully submits that all the pending claims 1, 2, 4, 7-9, 11, 15-18, 20, and 21 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Request for Reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ROXIP136). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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